

REMARKS

Claims 98, 99, 106-108, 113 and 114 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by a patent by Scannell et al. (U.S. Patent No. 5,377,354; hereinafter referred to as "Scannell"). Claims 100, 109 and 115 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Larson et al. (U.S. Patent No. 6,408,068; hereinafter referred to as "Larson"). Claims 101, 104, 110 and 116 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Rochkind (European Patent No. 0825752 A2). Claims 102, 111 and 117 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Rochkind and further in view of Epstein et al. (U.S. Patent No. 6,327,343; hereinafter referred to as "Epstein"). Claims 105, 112 and 118 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scannell in view of Epstein. Applicants contend that the cited art, either singly or in combination, teach or suggest the claimed subject matter of claims 98-118.

As set forth in the Abstract and Figures, Scannell suggests the following:

A method and apparatus for prioritizing a plurality of incoming electronic mail messages for a user uses a user created and modified rules-control (12) which is stored in a rules-store (12). Incoming messages are stored in a message store (11) and are screened individually by a rules test unit (13). The rules-test unit has a comparator (52) which matches keywords which are chosen by the user while creating the rules, and supplies signals to an action list unit (54). By applying the user created rules for deciding which messages constitute the priority messages for the user, a priority assigning unit (45) within an action portion (35B) of the rules-store (12) assigns a priority number (say from 1 to 5, 1 being the highest priority for example) to each screened message. Responsive to the assigned priority number of the screened message, the message is sent to a main folder store or forwarded or put away as appropriate.

(Scannell, Abstract). Scannell nowhere discloses sorting and depositing the e-mail messages into a plurality of virtual mailboxes wherein the e-mail message is prioritized within such virtual mailboxes based upon the assigned code. Rather, Scannell teaches the use of one main "in tray" (col. 8, lines 14-15). Nor does Scannell teach the prioritization of messages in each mailbox (see

col. 6, lines 14-17). In other words, Scannell does not teach or suggest prioritizing within mailboxes. In fact, Scannell treats "prioritization" and "filing" as distinct and separate operations. Thus, Scannell teaches an invention with an "in tray" and supplemental folders that are separate and distinct from the "in tray" and that do not perform sorting functions. In contrast, the present invention employs a plurality of mailboxes, each of which may have sorting and/or prioritization functionality.

In order to reject a claimed invention under §102(e), the cited reference must teach every aspect of the claimed invention either explicitly or impliedly. (M.P.E.P. §706.02). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, "All words in a claim must be considered in judging the patentability of that claim against prior art." (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970)).

In addition, claims 99-105, 107-112 and 114-118 are allowable as being dependent upon allowable base claims and Applicants also respectfully request allowance of these claims as well.

CONCLUSION

It is respectfully submitted that all issues and rejections have been adequately addressed and that pending claims 98-118 are allowable and that the case should be advanced to issuance. Although no fees are believed due with respect to thin amendment, if there are additional fees associated with this filing, the Commissioner is hereby authorized to charge or credit any overpayment to the deposit account of Hulsey, Grether, Fortkort & Webster, LLP, Deposit Account No. 50-2726.

If the Examiner has any questions or wishes to discuss the claims, the Examiner is encouraged to call the undersigned at the telephone number indicated below.

Via Express Mail Label EV 417743326 US

Date of Mailing: January 2, 2004

Date: January 2, 2004



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory K. Goshorn", written over a horizontal line.

By: Gregory K. Goshorn

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